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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

### GOVERNMENT OF GOA, DAMAN AND DIU

#### Special Department

#### Notification

OSD/RRVS/39/69-Vol.IV B

In pursuance of Rule 21, sub-rule (4) of the Goa, Daman and Diu Civil Service Rules, 1967, issued under Notification dated 4th July, 1967 and published in Government Gazette, Series I, No. 16 dated 20th July, 1967, the Administrator of Goa, Daman and Diu is pleased to prescribe the period of three months for a probationer of the said Service to give notice for his/her reversion to his/her parent Department or Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

D. V. Sawant, Under Secretary (Appointments).

Panaji, 23rd September, 1969.

#### Finance (Expenditure) Department

#### Memorandum

3-40/66/Fin(Exp)Part II

The Government of India, Ministry of Home Affairs, New Delhi in their letter No. 1/45/69-GP dated 25th August, 1969 have conveyed their approval to the corrections to be made to Serial No. 2 of p. 2 of Annexure to the letter No. F.1/117/65-GP dated 15th January, 1966 published in the Government Gazette (Supplement) No. 46, Series I dated 11th February, 1966. The corrections are as follows:—

The pay scale for both the posts of Agricultural Officer and Entomologist under the Directorate of Agriculture will be Rs. 400-400-450-30-600-35-670-EB-35-950. The orders contained in the Government of India, Ministry of Home

Affairs, New Delhi letter No. 1/117/65-GP dated 19th November, 1966 prescribing the pay scale of Rs. 350-25-500-30-590-EB-30-800-EB-30-830-35-900 to the posts of Agricultural Officer and Entomologist under the Directorate of Agriculture are hereby cancelled.

V. S. Srinivasagopalan, Under Secretary (Finance).

Panaji, 22nd September, 1969.

Bhadra 31, 1891.

#### Law and Judicial Department

#### Notification

JCC/J-37/69-70/(f)

In exercise of the powers conferred by sub-clause (1) of Clause 20 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, and in supersession of the earlier orders or rules, I, V. S. Jetley, Judicial Commissioner, Goa, Daman and Diu, hereby make the following rules, namely:—

(1) **Short title and commencement.**— (i) These rules may be called the Goa, Daman and Diu, Judicial Commissioner's Court (Copies and Copying Fees) Rules, 1969.

(ii) They shall come into force at once.

(2) A party to any proceeding may, on application on the prescribed Court fee, made to the Court having the custody of the record, obtain a certified copy of any judgment, order, deposition, memorandum of evidence, or any document filed in the said proceeding.

The application shall state whether the copy applied for is required for private use or otherwise.

(3) Applications for copies by persons other than parties to the proceeding shall be supported by an affidavit stating the purpose for which the copies are sought.

(4) On receipt of an application, the Office shall immediately scrutinise it with a view to ascertain-

ing the correct number of the proceeding, names of the parties, description of the document copy of which is applied for, and whether the document is available for copying.

(5) The Office shall estimate the costs of the copies before the copying work is undertaken. The estimate should, as far as possible, cover all probable costs of the copies.

(6) The applicant shall be called upon to deposit the estimated costs of the copies applied for, and make up other deficiencies then and there only, if his presence is available in the office. In other cases the orders of the Presiding Judge shall be obtained requiring the applicant to supply the deficiencies within a specified period of time, not exceeding ten days from the receipt of the intimation.

(7) When the description of the document given in the application is incorrect or deficient, and it is in consequence, necessary for the Record-Keeper to search his records in order to find it, a fee at the rate of one rupee for each year of which the records are searched, shall be payable by the applicant for such search, whether the document be found or not, and whether the copy for which he applies, on examination of the said document, be granted or not.

(8) As soon as the office finds that the application is complete in all respects, it shall be placed before the Clerk of the Court. The Clerk of the Court shall obtain the orders of the Judge in cases falling under rules (2), (10) and (11) of these rules and in all other cases may himself pass orders granting or refusing the application.

In case the Judge or the Clerk of the Court refuses to grant the application, the grounds of refusal shall be recorded on the application and such refusal and the grounds thereof shall be communicated to the applicant in writing.

(9) Copies shall be furnished within ten days of the presentation or receipt of the application, if the application is complete on that date, unless further delay is unavoidable, in which case the cause shall be endorsed on the copy. In other cases, the period of ten days shall be computed from the date on which the application is completed in all respects.

(10) When a party applies for a copy of an appellate judgment for the purposes of filing a further appeal or revision, he shall be furnished with a copy not only of the judgment but also of the grounds of appeal and of the cross-objections, if any, unless these are incorporated in the judgment itself.

(11) A certified copy of a part only of any document on record whether exhibited or not, may, in the discretion of the Presiding Judge, be given. No copy, however, shall be given of part of a judgment.

In the case of a Roznama, the portion of which copy is given at the discretion of the Presiding Judge must include all the entries of a particular date or dates, accompanying with the heading.

(12) Copies of any document on the record of a proceeding prepared by a party, may at the discretion

of the Presiding Judge of the Court, be certified as true copies upon an application made in that behalf:

Provided that the copies sought to be certified are typed neatly and on good paper, and are otherwise in conformity with the instructions laid down in rule 21 thereof; and

Provided further that the applicant pays the comparing fees herein prescribed for certified copies prepared in the Office.

(13) The following endorsement shall be made on every copy of the document:—

- (i) The date on which the copy was applied for.
- (ii) The date on which the application was completed.
- (iii) The date (when the date once given is subsequently changed, the last of such changed dates) given to the applicant for taking delivery of the copy.
- (iv) The date on which the copy was ready for delivery.
- (v) The date on which it was delivered or posted.

To prevent unauthorised alterations being made, the date shall be written in letters in distinct handwriting and the endorsement should be signed by some authorised officer of the Court on the date on which it was made.

(14) The following shall be the rates of copying and comparing fees—

- (i) For copying document 25 paise for every 100 words or fraction thereof.
- (ii) For comparing copies, a fee at the rate of 10 paise per 100 words or fraction thereof shall be charged.
- (iii) For copying a map or plan, such fee not exceeding Rs. 15/- and not less than Re. 1/- as the Presiding Judge may determine.
- (iv) The applicant shall be charged 2 paise or 3 paise per each sheet at the discretion of a Presiding Judge, having regard to the cost of the paper.

(15) On extra payment of—

- (a) a Court fee stamp of 40 paise upon the application; and
- (b) half the fees ordinarily charged as prescribed in sub-paragraph (13) above copies shall be furnished, if possible, within 24 hours, and in any case within 48 hours, provided that the document of which the copy is sought is in existence and available amongst the records of the Court to which the application is made. In the case of application for copies of decrees, if the decree is not signed by the Judge till the date of the application, the period of 24 hours or 48 hours shall be computed from the date the decree is signed by the Judge.

In computing the above period of 24 hours and 48 hours every Sunday and Holiday on which the Court is closed shall be excluded.

(16) Where different persons apply for single copies of the same document, each should be supplied at full rates, with an original, not a carbon copy. But if one person applies for more than one copy, he shall on request, be given carbon copies (in addition to the original copy at the full rate) up to a maximum of five and should be charged  $\frac{1}{4}$ th of the fee prescribed for a single copy with a minimum of 25 paise.

(17) Court fees should be recovered at the time of furnishing copies and not when the copies are filed in Courts.

Before the aforesaid copies of documents are furnished to the parties concerned, a statement should be obtained from them as to whether the copies are required for private use or otherwise; and if the parties state that the copies are required for private use, then in accordance with the exemption, if any, granted by Government, no Court fee should be levied on such copies. In case, the aforesaid copies are produced later on in any Court, then Court fee as required under the foregoing provisions should be levied before they are received.

(18) No fee is to be charged for comparing copies under Order VII, rules 14 and 17, and Order XIII, rule 5 of the Civil Procedure Code.

(19) In case the estimated deposit falls short of the charges which would have to be recovered in respect of the copies, the balance shall be recovered from the parties or lawyer concerned before the copies are delivered personally to them. In case the applicant applies for such copies by post or where the copies are required to be sent through the agency of the post, such balance may be recovered by sending copies by value payable post.

*Note:*— A value payable parcel can only be sent for transmission to Post Office which is also a Money Order Post Office and the amount to be recovered must not be less than 26 paise.

(20) In cases where the applicant refuses to pay the balance of the amount of the charges due from him or to accept the V. P. P. the Court shall recover the amount by attachment and sale of the movable property of the applicant.

(21) In every case where an applicant for certified copies pays a deposit, he should be granted a receipt in the prescribed form.

(22) All copies should be correct, and typed or written in a clear hand, with good ink, on stout paper, and on the outer  $\frac{3}{4}$  margin only of sheets of foolscap papers, the inner one-quarter margin of every sheet being left blank.

(23) All copies shall be dated, subscribed and sealed in the manner prescribed by section 76 of the Indian Evidence Act.

The Clerk of the Court is the Officer appointed in every Civil Court to certify and deliver copies of all civil records within the meaning of section 76 of the Indian Evidence Act.

(24) Translations should be prepared by an Officer of the Court qualified for the purpose, or by

a translator appointed by the Presiding Officer of the Court.

(25) (i) Fees for translating documents should be charged at a uniform rate of 75 paise per 100 words.

(ii) If such translations are made by a member of the establishment outside office hours, or by any person other than the member of the staff specially appointed for the purpose, the fees recovered in respect of such translation shall be paid to him.

(26) (1) Applications for copies with deposits should be received by the Record Keeper, but if the record from which the copy is required is in the Court and not in the Record Room the application will be passed on by him to the Clerk of the Court or other officer appointed by the Judge, after he has entered it in the Register of Applications and has entered the fee in the Daily Fee Book as provided in rules 3 and 4.

(2) On the day when the application is made for certified copies, the Record-Keeper should make an estimate as to when the copy is likely to be ready and give the applicant the date on which he should appear for receiving the copy. A note of this should be made on the application and the applicant should sign the application in token of having received the intimation. If the copies are not ready on the date fixed, the applicant should be informed by post or otherwise of the new date on which he can take delivery of the copies. If the application is received by post, intimation of the date may be given by post.

(3) Each application should be initialled and endorsed by the Record-Keeper with the date of presentation and the amount of deposit. It should then be entered in the Register of Applications for copies which should be kept in the Record-Keeper's Office. Applications for copies should be filed separately in consecutive series after they are disposed of.

(4) The Deposit Fee should at once be entered in the Record-Keeper's Daily Book, which should be kept in the following form:—

Daily Fee Book		
Month and Date	Serial no. in the Register of Applications for copies	Amount
(1)	(2)	(3)

(5) Deficit amount, if any, when subsequently received, should be endorsed on the application and at once entered in the Daily Fee Book.

(6) At the close of the day the Record-Keeper should take the endorsed applications and the money together with the Daily Fee Book to the Nazir and hand over money to him and take the Nazir's signature on the Daily Fee Book. The Nazir should compare the endorsement on the applications with the entries in the Daily Fee Book before signing it.

(7) The Nazir should keep a Deposit Fee Account containing the following columns:—

(a) Balance at the close of the month.

### Receipt

- (b) Amount deposited during the month as per Daily Fee Book.
- (c) Total of Columns (a) and (b).

### Disbursement

- (d) Copying and other fees as per abstract to be credited to Government.
- (e) Amount refunded to depositors.
- (f) Comparing and other fees to be credited to Government.
- (g) Cost of paper to be credited to Government.
- (h) Copying fee remitted to the Court in which the copy is made.
- (i) Total of columns (d) to (h).

(j) Balance at the close of the month.

Total of columns (i) and (j) should agree with column (c).

(8) The amount of the Daily Fee Receipts taken from the Daily Fee Book should be credited daily on the receipt side of the Nazir's Cash Book, and all sums sent to the Treasury debited in the same book on the debit side.

(9) The Deposit Fee Account should be closed by Nazir monthly. The Fee Book, the Pass Book and the abstract for payment should be placed before the Judge for scrutiny and signature.

(10) The above rules and forms apply *mutatis mutandis* to Translation Fees.

(11) The duties of the Record-Keeper referred to in the above rules, in his absence, shall be performed by an Officer appointed by the Presiding Judge for that purpose.

(27) The above rules shall apply *mutatis mutandis* to criminal courts and in addition.

(28) No fee shall be charged for any copy which the person applying for his entitled to receive gratis as specified in the rules hereof.

(29) Attention of the Presiding Officers of all criminal Courts of Appeal is invited to the provisions of section 424 of the Code of Criminal Procedure by virtue of which section 371 of the Code is made applicable to the judgment of appellate Courts, and it is directed that an accused person (whether convicted or acquitted) on application, shall be furnished, free of cost (except in summons case) and without delay, with a copy of the appellate Court's judgment.

(30) Military, naval and Air Force.— (i) For notice to Commanding Officer in cases where a person subject to Military, Naval and Air Force law appear before a Magistrate;

(ii) When any person serving in the Military Department is convicted in a criminal Court, such Court shall inform the Officer Commanding the Regiment or Corps to which the convict belongs;

(iii) Whenever a military pensioner is convicted and sentenced to imprisonment by a criminal court and whenever such conviction and sentence is varied,

confirmed or set aside on appeal, the court concerned should immediately forward free of charges a copy of its judgment to the pension paying officer concerned and another copy of its judgment to the Controller of Defence Accounts (Pensions), Allahabad. The place of pension paying officer concerned should be stated in the forwarding letter addressed to the Controller of Defence Accounts (Pensions), Allahabad. If the information relating to the pension paying officer concerned is not available to the court or cannot be obtained by the court from the prisoner, a copy of the judgment should be sent only to the Controller of Defence Accounts (Pensions), Allahabad, mentioning in the letter forwarding the same that information regarding the pension paying officer concerned in the case was not available to the court and was not also supplied by the prisoner concerned;

(iv) When a reservist of the Indian Army is sentenced by a criminal Court to imprisonment for any term exceeding three months, the facts of the case should be reported, without delay, by such Court to the Commandant of the appropriate Regimental centre;

(v) All criminal Courts shall in future supply to the Defence Department (Army Branch) of the Government of India copies of judgments in all cases in which Commissioned Officers are tried by them for criminal offences.

(31) Government Servant.— Whenever a Government servant is convicted of any offence, the Court shall send free of charge to the Head of Department concerned a copy of judgment, and whenever such a servant is acquitted or discharged, the Court shall supply free of charge a copy of the judgment on the application of the Head of the Department.

(32) Medical Practitioners.— Whenever a registered Medical Practitioner is convicted of a cognizable offence, or is censured by it in respect of his professional conduct or character, the Court concerned should supply a copy of the judgment free of cost to the Medical Council concerned.

(33) Legal Practitioners.— Similarly in the case of an Advocate or Attorney of the Court, the Court concerned should send a copy to the Registrar, Judicial Commissioner's Court.

(34) Judgment in Sessions Cases.— Under section 373 Criminal Procedure Code the Court of Session shall send to the district Magistrate a copy of its finding and sentence (if any). The Court of Session may also send to the Committing Magistrate or District Magistrate, should either of them require it, a copy of the judgment.

(35) When a Public Prosecutor or a Police Prosecutor applies for a certified copy of a judgment for the purpose of an appeal or an application in revision, the same should be supplied free of cost.

(36) The above rules will also apply to the District Court and other subordinate courts of Goa, Daman and Diu.

V. S. Jetley, Judicial Commissioner.

Panaji, 12th September, 1969.

## Local Self Government Department

## Notification

LSG/TP/2747/68

In exercise of the powers conferred by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu is hereby pleased to make the following Order so as to amend further, the Goa, Daman and Diu Interim Building Bye-Laws and Zoning Regulation, 1965, namely:—

1. (1) This Order may be called the Goa, Daman and Diu Interim Building Bye-Laws and Zoning Regulation (3rd amendment) Order 1968.

(2) It shall come into force at once.

2. In section 17 of the Goa, Daman and Diu Interim Building Bye-Laws and Zoning Regulation, 1965 (hereinafter called the principle Regulation) the following words shall be inserted at the end namely:—

"All other rooms which are not mentioned in these Bye-Laws shall also be of sizes prescribed in this section and have light and ventilation as per the habitable room rules, except in case of store rooms with an area of five sq. mts. or less".

3. In para 4 of clause g (iii) of Sub-Section (i) of section 38 of the principal Regulation, for the words "and the distances between two buildings within the plot where light and air is involved is normally to be not less than the mean of the heights of the two buildings involved," the following words shall be substituted:

"and the distance between two buildings within the plot, if belonging to the same owner should be not less than half of the mean height of the two buildings involved or three mts. whichever is more."

By order and in the name of the Administrator of Goa, Daman and Diu.

A. N. Dixit, Secretary (L. S. G. Deptt.).

Panaji, 18th September, 1969.

27th Bhadra, 1891.

## Industries and Power Department

## Notification

7/3/69-IND(A)

In exercise of the powers conferred by sub-section (1) of Section 8 of Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968, the Administrator of Goa, Daman and Diu is pleased to direct that every soap, article of toilet, cosmetic, detergent and perfume in all the places in the Union Territory of Goa, Daman and Diu shall:—

(i) if in liquid form, be sold by volume measure only and

(ii) if in any form other than the liquid form, be sold by weight only

with effect from the 3rd day of October, 1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries and Labour Department.

Panaji, 30th September, 1969.

## Notification

7/3/69-IND (A) (iii)

In exercise of the powers conferred by sub-section 1 of section 8 of the Goa, Daman and Diu, Weights & Measures (Enforcement) Act 1968, the Administrator of Goa, Daman and Diu hereby directs that the dealing or contract in the trade of fishes of any kind and meat in all places in the Union Territory of Goa, Daman and Diu shall be done by weight only with effect from the 3rd day of October, 1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries & Labour Department.

Panaji, 30th September, 1969.

8th Asvn, 1891.

## Labour and Information Department

## ORDER

LC/24/IB/69/(ii)/864

The following notification from the Government of India, Ministry of Industrial Development, Internal Trade and Company Affairs (Deptt. of Industrial Development) Central Boilers Board, New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries & Labour Department.

Panaji, 22nd September, 1969.

## Notification

BL-9(44)/66-EEI

Dated 31st July, 1969

The following draft of certain Regulations further to amend the Indian Boilers Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 31st October, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industrial Development, Internal Trade and Company Affairs (Deptt. of Industrial Development) Udyog Bhavan, New Delhi.

#### DRAFT REGULATION

1. These Regulations may be called the Indian Boiler Regulations, 1969.

2. In the Indian Boiler Regulations, 1950, in regulation 316, — (i) sub-regulation (d) shall be relettered as sub-regulation (c); and (ii) in sub-regulation (c) as so relettered, for the words "automatic isolating valve" occurring in two places, the words "isolation or nonreturn valve" shall be substituted.

Sd/-

P. J. MENON

Secretary, Central Boilers Board.

#### ORDER

LQ/24/IB/Not/(1)/863

The following Notification from the Government of India, Ministry of Industrial Development, Internal Trade and Company Affairs (Deptt. of Industrial Development), Central Boilers Board, New Delhi, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries & Labour Department.

Panaji, 22nd September, 1969.

*Dated the 31st July, 1969*

#### Notification

BL-9(40)/65-EEI

The following draft of certain Regulations further to amend the Indian Boilers Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the

said draft will be taken into consideration on or after the 31st October, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industrial Development, Internal Trade & Company Affairs (Deptt. of Industrial Development) Udyog Bhavan, New Delhi.

#### DRAFT REGULATIONS

1. These Regulations may be called the Indian Boiler (Amendment) Regulations, 1969.

2. In the Indian Boiler Regulations, 1950, (hereinafter referred to as the said regulations) for sub-regulations, (a) of Regulation 545, the following sub-regulation shall be substituted namely: —

(a) The dished end plates of boilers shall be in one piece made from one rolled plate. Where this is impracticable owing to large diameter, the dished end plate may be made from two plates fusion butt-welded together prior to hot forming, provided that the welded joint is radiographed after hot forming and a fully representative test plate of weld is examined and tested. The flat end plates may be made from two pieces by fusion butt-welding. (See figures XII/1 and XII/2. Other forms of welded seams may be accepted by the Inspecting Authority.) In the latter case, the line of welding shall be parallel to the horizontal axis of the boiler and shall run through the centre line of furnace or furnaces of Lancashire are similar types of boilers. In the case of Marine type boilers, the weld shall be located preferably between two rows of bar stays or if there is only one row of bar stays, between this row and the top row of stay tubes and shall be subjected to a spot radiographed examination, otherwise it shall be subjected to full radiographic examination."

3. In regulation 547 of the said regulations, for sub-regulation (b) the following sub-regulation shall be substituted, namely: —

(b) Hemispherical fireboxes — Hemispherical fireboxes shall be pressed to form by machine in progressive stages without thinning and shall be annealed on completion. Where necessary two plates may be butt-welded together, provided the welded joint is radiographed after hot forming and fully representative test plate of the weld is examined."

Sd/-

P. J. MENON

Secretary, Central Boilers Board